



IN THE  
U.S. PATENT AND TRADEMARK OFFICE

Anticipated Classification of this application:

Class 235 Subclass 454000

Prior application:

Examiner: Daniel St. Cyr

Art Unit: 2876

"Express Mail" label no.: FV 262714679 US

Date of Deposit: 07/15/2003

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

By Elizabeth Miller

Typed Name: Elizabeth Miller

COMMISSIONER FOR PATENTS  
PO Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR A CONTINUING APPLICATION UNDER 37 CFR 1.53(b)

Sir:

This is a request for filing a continuing application under 37 CFR 1.53(b) a

(X) continuation application of:

( ) divisional application of:

Pending Prior Application

Application Serial No. 10/124,138 filed 04/16/2002

Title APPARATUS AND METHOD FOR SCANNING A SURFACE

Name of applicant(s) John W. Sadler, Andreas N. Dorsel and Kenneth L. Staton

Copy of Application

- ( ) Enclosed is a copy of the prior application, including the drawings.  
(X) Enclosed is a new specification, including new drawings.

Oath or Declaration

- (X) Enclosed is a copy of the prior Declaration (37 CFR 1.63(d)).  
( ) Enclosed is a newly executed Declaration (original or copy).

Foreign Priority - 35 USC 119

- ( ) Foreign priority under 35 U.S.C. 119 has been claimed in prior application Serial No. \_\_\_\_\_  
filed on \_\_\_\_\_ in \_\_\_\_\_  
( ) The certified copy has been filed in prior application Serial No. \_\_\_\_\_  
filed \_\_\_\_\_  
( ) A separate paper claiming direct priority to a foreign application is enclosed herewith. A certified copy of the foreign application will be provided in due course.

Relate Back - 35 USC 120

This is a (X) continuation ( ) divisional of copending application Serial No. 10/124,138  
filed on 04/16/2002, which is a continuation of application Serial No. 09/317,654  
which is a CPA of the application under the same Serial No., filed 5/24/1999, now  
USP 6,371,370, the entire disclosure of which is incorporated into this  
application by reference.

- ( ) The above priority information is also recited in the enclosed Preliminary Amendment.

Inventorship Statement

- ( ) Delist the following named individuals as inventors in this application in accordance with 37 CFR 1.53(b) as a result of a change in the claimed subject matter:

Appointment of Associate Attorney

- ( ) Recognize as Associate Attorney or Agent \_\_\_\_\_  
Registration No. \_\_\_\_\_  
( ) authorization is hereby granted by signature below of the Attorney or Agent of record  
( ) the Associate Attorney or Agent shall not have the authority to appoint other Attorneys or Agents

Communications

- (X) Address all future communications to: Direct telephone calls to:  
AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P. O. Box 7599  
Loveland, Colorado 80537-0599  
Gordon M. Stewart  
(650) 485-2386

Fee Calculation

- (X) The filing fee calculated below is for an (X) Utility ( ) Design application, and based on the claims remaining after entry of the enclosed Preliminary Amendment.

CLAIMS AS FILED BY OTHER THAN A SMALL ENTITY				
(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) TOTALS
TOTAL CLAIMS	21 — 20	1	X \$18	\$ 18
INDEPENDENT CLAIMS	3 — 3	0	X \$84	\$ 0
ANY MULTIPLE DEPENDENT CLAIMS	0		\$280	\$ 0
BASIC FEE: Design ( \$330.00 ); Utility ( \$750.00 )				\$ 750
TOTAL FILING FEE				\$ 768
TOTAL CHARGES TO DEPOSIT ACCOUNT				\$ 768

Charge \$ 768 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,  
John W. Sadler et al.

By   
Gordon M. Stewart  
Attorney/Agent for Applicant(s)  
Reg. No. 30,528

Date: 07/15/2003

Telephone No.: (650) 485-2386